

REMARKS

The Office Action dated August 21, 2002, has been received and carefully considered. Claims 1-16 are pending in the present application. In this response, the specification and claims 2, 4, 8, 10-13, and 16 have been amended to correct typographical errors, and replacement drawings have been proposed. Entry of the amendments to the specification and claims 2, 4, 8, 10-13, and 16, and approval of the proposed replacement drawings, is respectfully requested. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

At the outset, it should be noted that this Amendment/Response is being filed in conjunction with a Petition to Revive an Unintentionally Abandoned Patent Application Under 37 CFR § 1.137(b).

Applicants note with appreciation the indication on page 3 of the Office Action that claims 7-10 are allowed.

Applicants note with equal appreciation the indication on page 4 of the Office Action that claims 2-6, 12, 14, and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, Applicants have opted to defer rewriting the

above-identified claims in independent form pending consideration of the arguments presented below with respect to the rejected claims.

I. THE OBJECTION TO THE DRAWINGS

On page 2 of the Office Action, the drawings were objected to for several informalities.

Proposed replacement drawings are submitted herewith for Examiner approval.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the drawings be withdrawn.

II. THE OBJECTION TO THE SPECIFICATION

On page 2 of the Office Action, the specification was objected to for an informality in the form of a typographical error.

The specification has been amended to correct the typographical error.

In view of the foregoing, it is respectfully requested that the aforementioned objection to the specification be withdrawn.

III. THE ANTICIPATION REJECTION OF CLAIMS 1, 11, 13, & 16

On pages 2-3 of the Office Action, claims 1, 11, 13, and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bateman et al. (U.S. Patent No. 6,311,231). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his own knowledge to make the claimed invention." Id.

Regarding claim 1, the Examiner asserts that Bateman et al. teaches the present invention as claimed. Specifically, the Examiner asserts that Bateman et al. teaches a system and a

method for providing directory assistance (DA) services (agent workstation 12 in Fig. 1 and column 5, lines 21-31) in response to a DA service number received from a calling party telephone (customer premise 2 in Fig. 1 and column 5, lines 1-10) having a directory number (DN) identifying the type of calling party telephone (column 9, lines 10-18 or column 10, lines 39-50), including internet protocol (IP) telephones (customer premises in Fig. 8 and column 9, lines 49-64 or customer premises 100 in Fig. 6 and column 8, lines 42-50) capable of accessing the telephone system through the PSTN (phone line 10 in Fig. 1 and column 5, lines 1-10) and through the internet (internet line 6 in Fig. 1 and column 5, lines 1-10). However, it is respectfully submitted that Bateman et al. does not in fact teach a calling party telephone having a DN identifying the type of calling party telephone, including IP telephones capable of accessing the telephone system through the PSTN and through the internet. Specifically, the Examiner references column 9, lines 10-18 or column 10, lines 39-50, of Bateman et al. for a teaching that a calling party telephone has a DN identifying the type of calling party telephone. However, these references in Bateman et al. only discuss a caller providing a standard CLID (Calling Line Identification) to an agent for purposes of providing customer data to the agent. Nowhere does Bateman et

al. disclose that the customer data is for identifying a type of telephone the caller is using. Indeed, Bateman et al. does not even contemplate IP telephones capable of accessing the telephone system through the PSTN and through the internet. Instead, Bateman et al. only discloses that a caller uses a standard telephone for voice communications and a separate computer for visual display of information. This is clearly different from an IP telephone capable of accessing the telephone system through the PSTN and through the internet, as claimed.

The Examiner also asserts that Bateman et al. teaches a telephone switch (digital switch 34 with CTI software in Fig. 1), responsive to receipt of a DA service number, and having a processor and memory for determining the type of calling party telephone (CTI using CLID on column 9, lines 1-18). However, as discussed above, it is respectfully submitted that Bateman et al. does not in fact teach processing means for determining the type of calling party telephone. Specifically, the Examiner references column 9, lines 1-18, of Bateman et al. for teaching processing means for determining the type of calling party telephone. However, this reference in Bateman et al. only discusses a caller providing a standard CLID (Calling Line Identification) to an agent for purposes of providing customer

data to the agent. Nowhere does Bateman et al. disclose that the customer data is for determining a type of telephone the caller is using. Indeed, Bateman et al. does not even contemplate anything other than standard telephones, and particularly not IP telephones capable of accessing the telephone system through the PSTN and through the internet. Instead, Bateman et al. only discloses that a caller uses a standard telephone for voice communications and a separate computer for visual display of information. This clearly does not support a teaching of providing processing means for determining the type of calling party telephone, as claimed.

The Examiner further asserts that Bateman et al. teaches forwarding the requested DA information in data file format to the calling party telephone *[in the presence of an identified IP telephone]* (column 10, lines 50-67). *(Examiner omission of claim element portion added)* However, it is respectfully submitted that Bateman et al. does not in fact teach forwarding the requested DA information in data file format to the calling party telephone in the presence of an identified IP telephone, as claimed. Specifically, the Examiner references column 10, lines 50-67, of Bateman et al. for a teaching of forwarding the requested DA information in data file format to the calling party telephone in the presence of an identified IP telephone.

However, this reference in Bateman et al. discusses providing information for viewing on a calling party's computer, which is totally separate from the calling party's telephone. Nowhere does Bateman et al. disclose forwarding the requested DA information in data file format to the calling party telephone in the presence of an identified IP telephone. Indeed, Bateman et al. teaches away from this claimed feature since Bateman et al. teaches that a caller uses a standard telephone for voice communications and a separate computer for visual display of information. This is clearly in contrast to forwarding the requested DA information in data file format to the calling party telephone in the presence of an identified IP telephone, as claimed. Interestingly, the Examiner omitted a significant portion of this claim element in performing his analysis (see bold and italicized Examiner omission above), essentially acknowledging that Bateman et al. does not in fact teach this claim element.

In view of the foregoing, it is respectfully submitted that Bateman et al. does not anticipate the present invention as recited in claim 1.

Regarding claims 11 and 16, the arguments applied above with respect to claim 1 may be similarly applied with respect to claims 11 and 16. Thus, it is respectfully submitted that

Bateman et al. does not anticipate the present invention as recited in claims 11 and 16.

Regarding claim 13, this claim is dependent upon independent claim 11. Thus, since independent claim 11 should be allowable as discussed above, claim 13 should also be allowable at least by virtue of its dependency on independent claim 11. Thus, it is respectfully submitted that Bateman et al. does not anticipate the present invention as recited in claim 13.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1, 11, 13, and 16 be withdrawn.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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